IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

TUESDAY, THE 25TH SEPTEMBER 2007 / 3RD ASWINA 1929

Crl.MC.No. 2952 of 2007()

ST.248/2007 of JUDL.MAGISTRATE OF FIRST CLASS, PALA

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PETITIONER:

K.C.RAJ, PROPRIETOR, K.C.R.CONSULTANTS,
BANK OF BEST BRAINS, 22, JOISER STREET,
REAL ENCLAVE-3, NUNGAMBAKKAM, CHENNAI-34,
TAMIL NADU.

BY ADV. SRI.YESUDASAN VARGHESE
SRI.V.S.BABU GIREESAN

RESPONDENTS:

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1. DEEPA THANKAPPAN,
KAVALANATHADATHIL,
EDANAD KARA, VALLICHIRA VILLAGE,
EDANAD P.O.

2. THE STATE REPRESENTED BY THE PUBLIC
PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.GIKKU JACOB

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 25/09/2007 ALONG WITH CRMC.NO.2953 OF 2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

Crl.M.C.Nos.2952 & 2953 of 2007

Dated this the 25th day of September, 2007

O R D E R

The common petitioner in these two cases faces indictment in 2 separate prosecutions, both under Section 138 of the Negotiable Instruments Act and both initiated by the same complainant, ie. the 1st respondent in these petitions. According to the petitioner, the petitioner had entered appearance before the learned Magistrate through counsel in one case and the case was posted to 29.09.07. In the other case, the petitioner has not received any summons. The learned Magistrate, it is submitted, had advanced the hearing of the said case. He had issued non bailable warrants against the petitioner in both these cases. According to the petitioner, the issue of non bailable warrants is most unnecessary and unjustified. The petitioner is willing to appear before the learned Magistrate. He shall appear before the learned Magistrate in both the cases on 29.09.07. Appropriate directions may be issued not to execute the non bailable warrants and to consider the applications of the petitioner for bail on the date of surrender itself.

2. I have considered the submissions made by the learned counsel for the petitioner. I find merit in those submissions of the learned counsel for the petitioner. I am, in these circumstances,

satisfied that appropriate directions under Section 482 Cr.P.C can be issued in favour of the petitioner in both the cases.

3. In the result, these Crl.M.Cs are allowed in part. The following directions are issued.

i) The non bailable warrants issued against the petitioner in both the cases by the Judicial Magistrate of the First Class, Pala shall not be executed till 29.09.07;

ii) The petitioner shall appear before the learned Magistrate on 29.09.07 in both the cases. His applications for regular bail must be considered by the learned Magistrate on merits, in accordance with law and expeditiously - on the date of surrender itself.

4. The learned counsel for the petitioner submits that the petitioner is willing to settle the dispute with the complainant. He prays that some time may be granted to the petitioner to settle the dispute. I am of opinion that no decision on that prayer need be taken by this Court. It is for the petitioner to appear before the learned Magistrate and make appropriate request. The learned Magistrate, needless to say, shall consider such request and take appropriate decision.

Hand over a copy of this order to the learned counsel for the petitioner.

(R.BASANT, JUDGE)

rtr/-